

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Dinsmore
Title: OPTICALLY DRIVEN THERAPEUTIC RADIATION SOURCE
HAVING SPIRAL SHAPED THERMIONIC CATHODE
Appl. No.: 10/790636
Filing Date: 3/1/2004
Examiner: Courtney D. Thomas
Art Unit: 2882
Confirmation Number: 6535

SUPPLEMENTAL DECLARATION IN REISSUE APPLICATION
UNDER 37 CFR 1.175 (B) 1

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Mark Dinsmore, declare that:

1. My residence address is 25 Wadsworth Road, Sudbury, MA 01776.
2. I am a citizen of the United States of America.
3. I believe I am the original, first and sole inventor of the subject matter that is described and claimed in United States Patent Number 6,493,419 (hereinafter "the '419 patent"), granted on December 10, 2002, and for which I solicit a reissue patent.
4. I have read and understand the contents of the attached reissue application, including the specification and claims.

5. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

6. I believe the '419 patent, which matured from application Serial No. 09/884,229, filed on June 19, 2001, to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent. The following constitutes a statement of at least one error being relied upon as the basis for reissue under 37 CFR 1.175 (a)(1): Each of claims 1-21 appearing in the original 6,493,419 patent include, explicitly or through dependency, the limitation that the claimed device emit "therapeutic radiation." However, Applicant's specification provides support (e.g., col. 3 ll. 51-56, 57-65; col. 6 ll. 16-26, 27-41, 42-53, 54-66; col. 7 ll. 1-3) for a device having a structure which produces radiation (e.g., x-rays) generically. Accordingly, claims 1-21 are too narrow."

7. All errors being corrected in the reissue application, up to the time of filing this declaration, arose without any deceptive intent.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/11/09

By:  (Mark G. Lappin
(Res. No. 26,618))

For Mark Dinsmore Under 37 C.F.R. 1.47